

REMARKS

Claims 6, 14, and 25-45 are pending in the present application. Applicants respectfully request entry and consideration of the remarks, which are intended to place this case in condition for allowance. This response and the attached exhibits have been marked "Proprietary" and are being submitted, pursuant to M.P.E.P. § 724.02, in a sealed, clearly labeled, envelope marked "PROPRIETARY MATERIAL NOT OPEN TO PUBLIC. TO BE OPENED ONLY BY EXAMINER OR OTHER AUTHORIZED U.S. PATENT AND TRADEMARK OFFICE EMPLOYEE." Applicants submit under separate cover a supplemental Information Disclosure Statement ("IDS") complying with the Examiner's request.

The Examiner has requested copies of Robert Eric Montgomery's applications and patents "that relate to such acetic acid esters of glycerin, and to tooth whitening methods and means separating first and second components, etc."

In response, Applicants' attorney provides herein a list of Montgomery patents and applications of which Applicants' attorney are currently aware that may be responsive to the Examiner's request. It is possible that other cases may be handled by other attorneys, but at this time Applicant's attorney believes that it is currently responsible for all of Montgomery's human oral care patent prosecution. Copies of these references will be provided under separate cover in a supplemental IDS to the extent that they have issued or published.

09/483,526*	5,738,843	6,331,292
09/651,170**	5,816,802	6,343,933
09/840,844	5,908,614	6,475,469
10/039,935	5,922,307	6,479,037
10/050,196	5,944,528	6,488,914
10/056,296	6,162,055	6,514,543
10/219,965***	6,221,341	6,536,628
10/434,597	6,281,265	6,576,227
10/456,205****	6,312,670	
WO 99/40870	6,322,773	

*Applicants' attorney submitted in the supplemental IDS PCT Publication No. WO 01/51005, which includes the same specification as U.S. Application Serial No. 09/483,526 (the '526 application is not yet published in the U.S.).

**Applicants' attorney is not including a copy of U.S. Application No. 09/651,170 since the specification is provide in the file history. The claims will be provided, however, as indicated below, for the Examiner's convenience.

***U.S. Application Serial No. 10/219,965 is being handled by another law firm, but Applicants' attorney is including a copy of the published application for the Examiner's convenience.

****U.S. Application No. 10/456,205 is a continuation of issued U.S. Patent No. 5,908,614, which is provided in the IDS; therefore, Applicants' attorney is not including a copy of this application since the specification is the same. The claims will be provided, however, as indicated below.

Further, the Examiner has requested a copy of all of Montgomery's claims in copending applications and patents "if they claim any compound active agents and means: apparatus, device, kits, or other means, that would be material, relevant and important to the issues of patentability, for the purpose of investigation of the issue of obviousness-type double patenting of newly presented claims 6, 14, 25 to [45]."

In response, copies of currently pending claims and issued claims corresponding to the list are also provided herewith, with the exception of WO 99/40870, which is a PCT application, and U.S. Application Serial No. 10/219,965, which is being handled by another law firm. The claims for applications that have not yet published or issued are marked "Proprietary" to prevent public access prior to publication or issuance of those applications.

Applicants believe that the submitted information is complete but reserves the right to supplement upon further discovery of such information.

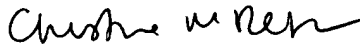
The arguments made herein should in no way be construed as dedicating any unclaimed or amended subject matter or equivalents to the public, and were done solely to expedite prosecution. Applicants reserve the right to pursue any cancelled or amended subject matter in this or related applications.

II. CONCLUSION

Reconsideration and allowance of all the pending claims is respectfully requested. If a telephone conversation with Applicants' attorney would expedite prosecution of the above-identified application, the Examiner is requested to call the undersigned at 312-701-7174.

Respectfully submitted,

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